

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

* * * * *

OVA FRANKLIN KELLY, *

Petitioner, *

v. *

SECRETARY OF HEALTH *

AND HUMAN SERVICES, *

Respondent. *

* * * * *

Vanessa L. Brice, Colling Gilbert Wright & Carter, L.L.C., Orlando, FL, for
Petitioner;

Lara A. Englund, United States Dep't of Justice, Washington, D.C., for
Respondent.

No. 15-167V
Special Master Christian J. Moran

Filed: February 16, 2016

Attorneys' fees and costs; award
in the amount to which
respondent does not object.

UNPUBLISHED DECISION ON FEES AND COSTS¹

On February 1, 2016, respondent filed a stipulation of fact for attorneys' fees and costs. Previously, petitioner submitted a request for attorneys' fees and costs on January 21, 2016. In informal discussions, respondent raised objections to certain items in petitioner's request. Based on these discussions, petitioner amended his application to request \$19,619.16, an amount to which respondent does not object. The Court awards this amount.

On February 23, 2015, Ova Franklin Kelly filed a petition for compensation alleging that the influenza ("flu") vaccine received on or about October 7, 2013, caused him to suffer Guillian-Barré Syndrome ("GBS"). Petitioner received compensation based upon the parties' stipulation. Decision, issued November 12,

¹ The E-Government Act, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

2015. Because petitioner received compensation, he is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Petitioner seeks a total of **\$19,619.16**, in attorneys' fees and costs for his counsel. Petitioner did not advance any monies in reimbursable costs in pursuit of his claim, pursuant to General Order #9. Respondent has no objection to the amount requested for attorneys' fees and costs.

After reviewing the request, the Court awards the following:

A lump sum of \$19,619.16, in the form of a check made payable to petitioner and petitioner's attorney, Vanessa L. Brice, of Colling Gilbert Wright & Carter, for attorneys' fees and other litigation costs available under 42 U.S.C. § 300aa-15(e).

The Court thanks the parties for their cooperative efforts in resolving this matter. The Clerk shall enter judgment accordingly.

Any questions may be directed to my law clerk, Dan Hoffman, at (202) 357-6360.

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS**

| | | |
|----------------------------|---|--------------------------------|
| OVA FRANKLIN KELLY, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | No. 15-167V |
| |) | Special Master Christian Moran |
| SECRETARY OF |) | |
| HEALTH AND HUMAN SERVICES, |) | |
| |) | |
| Respondent. |) | |
| |) | |

STIPULATION OF FACT CONCERNING ATTORNEYS' FEES AND COSTS

It is hereby stipulated by and between the parties, the following factual matters:

1. Vanessa L. Brice is the attorney of record for petitioner in this matter.
2. Petitioner submitted a request for attorneys' fees and costs on January 21, 2016.
3. In informal discussions, respondent raised objections to certain items in petitioners' request. Based on these discussions, petitioner has amended her request for attorneys' fees and costs in this matter to request reimbursement for attorneys' fees and costs in the amount of \$19,619.16.
4. Pursuant to General Order #9, petitioner advanced no monies in reimbursable costs in pursuit of his claim.
5. The parties now request that a decision awarding final attorneys' fees and costs, totaling **\$19,619.16**, be issued.

Respectfully submitted,

s/ VANESSA L. BRICE
VANESSA L. BRICE
COLLING GILBERT WRIGHT
& CARTER, L.L.C.
801 N. Orange Avenue
Suite 830
Orlando, FL 32801
(407) 712-7300

s/ LARA A. ENGLUND
LARA A. ENGLUND
Trial Attorney
Torts Branch
Civil Division
U.S. Department of Justice
P.O. Box 146
Benjamin Franklin Station
Washington, DC 20044-0146
(202) 307-3013

DATED: February 1, 2016